

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CAROLYN RUSSELL-WEBSTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-22-1074-D
	)	
GINA RAIMONDO, Secretary of the	)	
United States Department of Commerce,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Defendant's Motion to Dismiss Plaintiff's Complaint [Doc. No. 12]. In response to the Motion, Plaintiff has timely filed an amended pleading as authorized by Fed. R. Civ. P. 15(a)(1)(B). This amendment "supersedes the original and renders it of no legal effect." *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (internal quotation omitted); *see Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, Defendant's Motion is moot.

**IT IS THEREFORE ORDERED** that Defendant's Motion to Dismiss [Doc. No. 12] is **DENIED** without prejudice to resubmission, as appropriate, in response to the First Amended Complaint [Doc. No. 13].

**IT IS SO ORDERED** this 19<sup>th</sup> day of April, 2023.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge